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EXAMINER

BONZO, BRYCE P

ART UNIT	PAPER NUMBER
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2114

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DATE MAILED: 01/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/826,608

Applicant(s)

HAMILTON ET AL.

Examiner

Bryce P Bonzo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

NON-FINAL OFFICIAL ACTION

Status of the Claims

Claims 1-3, 5-10 and 12-20 are rejected under 35 USC §102.

5 Claims 4 and 11 are rejected under 35 USC §103.

Rejections under 35 USC §102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

10 A person shall be entitled to a patent unless –

 (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or
15 (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

 Claims 1-3, 5-10 and 12-20 are rejected under 35 U.S.C. 102(e) as being
20 anticipated by O'Hara (United States Patent Application No 2002/0135613 A1).

As per claim 1, O'Hara discloses:

 A method for duplicating a user environment in a first computer system, said method comprising:

25 collecting user environment data from the first computer system, the collecting performed by a computer program (page 2, ¶24); and

storing the user environment data on a removable nonvolatile media (page 2, ¶20).

As per claim 2, O'Hara discloses:

5 The method of claim 1, wherein the collecting includes:

identifying attributes to include in the user environment data (page 2, ¶24: In this case the computer program tracks which changes are made to allow for recovery to the prior state.).

10 As per claim 3, O'Hara discloses:

The method of claim 1, said method further comprising:

restoring the user environment data stored by the first computer system onto a second computer system (page 1, ¶6).

15 As per claim 5, O'Hara discloses:

The method of claim 1, wherein:

the collecting is performed for a plurality of users, each of the plurality of users having one or more accounts on the first computer system (page 1, ¶10: "This allows a user to use a computer/kiosk type device at any business, *hotel, conference facility,*
20 *airport,* etc in the world and have the ability to make that computing system provide a user environment familiar to and convenient for the user." and page 1, ¶4 "However, if a user is required to use a new computer, use multiple computers, *or to share computer*

use with others, the user profile may not be immediately available.” clearly show that O’Hara envisions the use of his invention in the multi-user environment as it is inconceivable to create a complicated using transferable account information at major transit hubs and gathering places for the express purpose of a only one person in
5 existence).

As per claim 6, O’Hara discloses:

The method of claim 1, wherein the user environment data includes at least one of printer definitions, tty definitions, network interfaces, user passwords, and license
10 information (page 2, ¶21: “for example new or changed passwords”).

As per claim 7, O’Hara discloses:

The method of claim 1, said method further comprising:
transporting the removable nonvolatile media from the first computer system to a
15 second computer system (page 1, ¶16; page 2, ¶24 “...experiencing a familiar user environment even though this may be the first time the user uses computing system 11.”);

loading the removable nonvolatile media in a device capable of reading the media (page 1, ¶17 and page 2, ¶18); and

20 restoring the user environment data from the removable nonvolatile media to the second computer system (page 1, ¶6).

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As per claim 8, O'Hara discloses:

An information handling system, said system comprising:

one or more processors (inherent);

an operating system operable by the processors (page 2, ¶22);

5 memory accessible by the processors (page 2, ¶24);

removable nonvolatile storage device accessible by the processors (page 1, ¶17);

user environment duplication tool for duplicating user environment data in a first computer system, the tool including (page 2, ¶24):

means for collecting user environment data from the first computer system, the

10 collecting performed by a computer program (page 2, ¶24); and

means for storing the user environment data on a removable nonvolatile media (page 2, ¶18).

As per claim 9, O'Hara discloses:

15 The information handling system of claim 8, wherein the collecting includes:

means for identifying attributes to include in the user environment data (page 2, ¶21 and ¶25).

As per claim 10, O'Hara discloses:

20 The information handling system of claim 8, further comprising:

means for restoring the user environment data stored by the first computer system onto a second computer system (page 2, ¶18 and page 1, ¶16).

As per claim 12, O'Hara discloses:

The information handling system of claim 8, wherein:

the means for collecting is performed for a plurality of users, each of the plurality
5 of users having one or more accounts on the first computer system (page 1, ¶10: "This
allows a user to use a computer/kiosk type device at any business, *hotel, conference
facility, airport*, etc in the world and have the ability to make that computing system
provide a user environment familiar to and convenient for the user." and page 1, ¶4
"However, if a user is required to use a new computer, use multiple computers, *or to*
10 *share computer use with others*, the user profile may not be immediately available."
clearly show that O'Hara envisions the use of his invention in the multi-user
environment as it is inconceivable to create a complicated using transferable account
information at major transit hubs and gathering places for the express purpose of a only
one person in existence).

15

As per claim 13, O'Hara discloses:

The information handling system of claim 8, wherein:

the user environment data includes at least one of printer definitions, tty
definitions, network interfaces, user passwords, and license information (page 2, ¶21:
20 "for example new or changed passwords").

As per claim 14, O'Hara discloses:

The information handling system of claim 8, further comprising:

means for transporting the removable nonvolatile media from the first computer system to a second computer system (page 1, ¶16);

means for loading the removable nonvolatile media in a device capable of
5 reading the media (page 2, ¶24); and

means for restoring the user environment data from the removable nonvolatile media to the second computer system (page 2, ¶18).

As per claim 15, O'Hara discloses:

10 A computer program product stored on a computer operable medium, the computer program product programmed to duplicate a user environment in a first computer system, said computer program product comprising:

means for collecting user environment data from the first computer system, the collecting performed by a computer program (page 2, ¶24); and

15 means for storing the user environment data on a removable nonvolatile media (page 2, ¶20).

As per claim 16, O'Hara discloses:

The computer program product of claim 15, wherein:

20 the collecting includes: means for identifying attributes to include in the user environment data (page 2, ¶24: In this case the computer program tracks which changes are made to allow for recovery to the prior state.).

As per claim 17, O'Hara discloses:

The computer program product of claim 15, further comprising:

means for restoring the user environment data stored by the first computer

5 system onto a second computer system (page 1, ¶6).

As per claim 18, O'Hara discloses:

The computer program product of claim 15, wherein:

the means for collecting is performed for a plurality of users, each of the plurality

10 of users having one or more accounts on the first computer system (page 1, ¶10: "This

allows a user to use a computer/kiosk type device at any business, *hotel, conference facility, airport*, etc in the world and have the ability to make that computing system provide a user environment familiar to and convenient for the user." and page 1, ¶4

15 "However, if a user is required to use a new computer, use multiple computers, *or to share computer use with others*, the user profile may not be immediately available."

clearly show that O'Hara envisions the use of his invention in the multi-user environment as it is inconceivable to create a complicated using transferable account information at major transit hubs and gathering places for the express purpose of a only one person in existence).

20

As per claim 19, O'Hara discloses:

The computer program product of claim 15, wherein:

the user environment data includes at least one of printer definitions, tty definitions, network interfaces, user passwords, and license information (page 2, ¶21: "for example new or changed passwords").

5 As per claim 20, O'Hara discloses:

The computer program product of claim 15, further comprising:

means for transporting the removable nonvolatile media from the first computer system to a second computer system (page 1, ¶16);

10 means for loading the removable nonvolatile media in a device capable of reading the media (page 2, ¶24); and

means for restoring the user environment data from the removable nonvolatile media to the second computer system (page 2, ¶18).

Rejections under 25 USC §103

15 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

20 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over
25 O'Hara (United States Patent Application No 2002/0135613 A1).

As per claims 4 and 11, O'Hara does not explicitly disclose:

wherein the first computer system includes a UNIX operating system.

O'Hara does disclose the use of Mac X, OS/2, Windows and Linux (¶22). The Examiner points out that MacOS X (what O'Hara refers to a Mac X) is built on the foundations of the UNIX variant BSD. Further, the Examiner asserts that Linux, an open source highly extensible operating system, shares a large portion of its code base with UNIX, with many lines of code being identical between modern version of the two operating systems. The Examiner therefor asserts that MacOS X and Linux are equivalents to UNIX in most respects. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention alter the user environment system of O'Hara, which is already usable on multiple operating systems, to include operating on a UNIX-based operating system, thus allowing the ease and convenience of a portable user environment on one of the oldest and widely used operating systems.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryce P Bonzo whose telephone number is (703) 305-4834. The examiner can normally be reached Monday-Friday from 7:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel, can be reached on (703)305-9713. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Byrne P. Boyer